

Decision for dispute CAC-UDRP-105403

Case number	CAC-UDRP-105403
Time of filing	2023-05-12 08:32:53
Domain names	adeccowaytowork.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)
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Complainant

Organization	Adecco Group AG
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Complainant representative

Organization	BRANDIT GmbH
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Respondent

Name	Waiwit Chotchawjaru
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the European Union trademark ADECCO, registered on January 19, 2005 (Reg. No. 3330149), in classes 35, 41 and 42, and the Canadian trademark ADECCO WAY TO WORK, registered on August 14, 2014 (Reg. No. TMA884064), in classes 35, 41 and 42. There are many other national and international registrations of these trademarks, including in Thailand.

FACTUAL BACKGROUND

Adecco Group AG (the "Complainant") is the owner of the European Union trademark ADECCO, registered on January 19, 2005 (Reg. No. 3330149), in classes 35, 41 and 42, and the Canadian trademark ADECCO WAY TO WORK, registered on August 14, 2014 (Reg. No. TMA884064), in classes 35, 41 and 42. There are many other national and international registrations of these trademarks, including in Thailand.

The Complainant also owns domain names containing the trademark ADECCO, such as the domain names <adecco.ch> (registered on May 17, 1996), <adecco.co.th> (registered on October 2, 2003), <adecco.com> (registered on May 15, 1993), <adeccogroup.com> (registered on June 21, 2002), etc.

The Complainant is globally known as the leading workforce solutions company, helping over 100.000 organizations with their talent

needs as well as enabling millions of people to develop their skills and exceed their potential. The company has 38.000 employees in more than 60 countries and territories, including in Thailand.

The disputed domain name <adeccowaytowork.com> was registered on May 13, 2023, i.e. many years after the first registrations of the Complainant's ADECCO and ADECCO WAY TO WORK widely known trademarks, and resolves to the website which displays links leading Internet users to third-parties' website offering gambling services.

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel agrees with the Complainant that the disputed domain name is identical to the Complainant's trademark ADECO WAY TO WORK and confusingly similar to Complainant's trademark ADECCO. The Complainant's trademark is included to the disputed domain name in its entirety.

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademarks in any manner, including in domain names. The Respondent's name (Waiwit Chotchawjaru) does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant Complainant's trademarks ADECCO and, obviously, ADECCO WAY TO WORK, when he/she registered the disputed domain name <adeccowaytowork.com> (see WIPO Overview 3.0, para. 3.1.3 and 3.2). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name was used for the website which displayed links leading Internet users to third-parties' website offering gambling services. This means that the Respondent could have obtained financial gain by advertising the aforementioned links on the website associated to the disputed domain name. In conclusion, the Respondent was using the disputed domain name to attract, for

commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's ADECCO and ADECCO WAY TO WORK trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Therefore, this is nothing else but the use of the domain name in bad faith (para. 4(b)(iv) of the Policy).

Finally, the Complainant sent a cease-and-desist letter to the Respondent informing of the Complainant's rights regarding the ADECCO and ADECCO WAY TO WORK trademarks, to which the Respondent did not reply. Such behavior may also infer bad faith (see Altarea v. Loretta Zayas, WIPO Case No. D2020-2337).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

- 1. **adeccowaytowork.com**: Transferred

PANELLISTS

Name	Darius Sauliūnas
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DATE OF PANEL DECISION 2023-07-04

Publish the Decision